

MITIGATED NEGATIVE DECLARATION

February 14, 2008

Project Name: SAN-227-A Black Mountain Norte Tank

Project Number(s): P06-048, Log No. 06-08-027

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for biological resources, visual analysis, and noise analysis
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. Provide evidence to the satisfaction of the Director of Planning and Land Use that temporary orange construction fencing has been placed around the limits of the lease area, also shown as the limits of the Major Use Permit P06-048, on APN 678-242-05-00. The Temporary fencing is to protect from inadvertent disturbance the surrounding MSCP Preserved Lands: **[DPLU, FEE]**
 - a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the temporary fencing has been installed.
2. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and/or improvement plans, and/or Building Plans:
 - a. "Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed around the limits of the lease area, also shown as the limits of the Major Use Permit P06-048, on APN 678-242-05-00. The Temporary fencing is to protect from inadvertent disturbance the surrounding MSCP Preserved Lands. The temporary fencing shall be removed after construction of the cellular facility." **[DPLU, FEE]**

- b. "Restrict all brushing, clearing, grading, and construction activities such that none will be allowed during the avian breeding season. This is defined as occurring between January 15 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no raptor or other sensitive avian nests are present in the vicinity of the brushing, clearing, grading, or construction." [DPLU, FEE]

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. Be prohibited from installing any additional unspecified exterior equipment such as air conditioners or standby generators without a permit modification.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

ALYSSA MAXSON, Planning Manager
Regulatory Planning Division

AM:KJ:jcr

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